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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 58th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 23 April 1996, at 10 a.m.

Chairman: Mr.VERGNE SABOIA (Brazil)

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The meeting was called to order at 10.45 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/1996/L.2)

1. Mr. WU Jianmin (China), speaking on a point of order, said that, at its current meeting, or soon after, the Commission was scheduled to take up a draft resolution on the situation of human rights in China (E/CN.4/1996/L.90). Since that draft resolution had been submitted on 17 April 1996, he found it surprising that it had only just been circulated and wished to know the reason therefor.

2. Mr. MÖLLER (Secretary of the Commission) said that the delay was because the sponsors had submitted a succession of revisions to the text of the draft resolution, the issuance of which had thus been delayed for editorial reasons. It was expected that it would be available in all official languages in time for consideration at the Commission's next meeting.

Draft decision on organization of work (E/CN.4/1996/L.2)

3. Mr. GOONETILLEKE (Sri Lanka) said the sponsors of the draft decision had resolved to press for its consideration at the current meeting in view of the fact that it had been submitted nearly a month previously. Since, however, a number of delegations had requested that the matter be discussed further, the sponsors had agreed to a postponement of the decision.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLES THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 5) (continued) (E/CN.4/1996/L.16/Rev.2 and L.85)

Draft resolution on the question of basic workers' rights (E/CN.4/1996/L.16/Rev.2)

4. Mrs. FERRARO (United States of America), introducing the draft resolution on behalf of its sponsors, said that, by joining the International Labour Organization (ILO), most countries had implicitly recognized the rights of freedom of association and collective bargaining and the central part that labour played in the development of a nation's economy. Trade unions formed an important component of national life and nations should make no restrictions on their rights to participate in public life and in the formulation of government policy.

5. Child labour and forced labour imposed horrible social costs on societies and the draft resolution called on all States to prevent those unjust practices. It further called on States to remove all forms of discrimination from the workplace and to ensure that workplaces were safe and healthy: to do less was to deny workers their human rights and to sap the vitality which a healthy workforce brought to any nation.

6. The sponsors had agreed on a number of changes to the text. A new operative paragraph, preceding the existing paragraph 2, should be inserted to read: "Calls upon States to consider adopting measures to ensure that all persons have the right to equal pay for equal work, without discrimination of any kind, such as race, colour, sex, language, ethnicity or religion". Paragraph 4 (the former paragraph 3) should read: "Welcomes the legislative and administrative steps taken by States to promote and protect the rights of workers, eliminate forced child labour, eradicate exploitation of child labour and address the issue of child labour through education, social support and alternative income-generating activities and calls upon States that have not yet done so to take such measures".

7. Lastly, in response to representations by the delegation of Cuba, the sponsors had agreed to two changes to paragraphs 5 and 7 (former paragraphs 4 and 6). In paragraph 5, after the words "international community", the phrase ", relevant international institutions" should be inserted. In paragraph 7, the word "representative", preceding "trade union organizations", should be deleted.

8. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Australia, Canada, Denmark, Germany, Hungary, Japan, the Russian Federation and Ukraine and the observers for Argentina, Slovakia, Sweden and Uruguay had become sponsors of the draft resolution.

9. Mr. ALFONSO MARTINEZ (Cuba) thanked the United States delegation for having accepted almost all the changes his own delegation had proposed, the purpose of which had been to remedy certain obvious insufficiencies in the original draft. Since it had not been possible to reach agreement on what was meant by "representative" trade unions, the best solution had seemed to be to delete the adjective. In the circumstances, his delegation withdrew its proposed amendments (E/CN.4/1996/L.85).

10. Mr. BAUTISTA (Philippines), speaking in explanation of position on behalf of the Association of South-East Asian Nations (ASEAN), said that there was little to disagree with in the contents of the draft resolution. However, the members of ASEAN, considered that the matters covered by that draft resolution would be best discussed and more effectively acted upon in ILO - the appropriate forum - the more so as discussions in ILO on the subject had already commenced, and nothing should be done to prejudice them. The draft resolution also implied that workers had exclusively workers' rights although they also had, of course, other fundamental rights, such as the right to development. The ASEAN countries had thus decided that, although they would not block a consensus on the draft resolution, they could not support it.

11. Mr. ZHANG Yishan (China) said that his country had always attached great importance to the protection of workers' rights. Workers were the masters in China and the country's Constitution and legislation ensured their enjoyment of all legitimate rights and interests. His delegation had, however, a number

of reservations concerning the draft resolution, some elements of which went beyond the Commission's mandate, and thought that there were more appropriate forums for the discussion and resolution of such matters.

12. Mr. H.K. SINGH (India) said that his delegation had no substantive difficulties with the text of the draft resolution but agreed with the position set forth on behalf of the ASEAN countries.

13. The CHAIRMAN said he took it that the Commission wished to adopt the draft resolution, as orally revised, without a vote.

14. It was so decided.

15. Mr. KOEZUKA (Japan), speaking in explanation of vote after the completion of all the voting on issues under agenda item 5, said that his delegation had voted against the draft resolution on human rights and foreign debt (E/CN.4/1996/L.20). While his Government had assisted heavily indebted countries in a variety of ways and would continue to do so in future, it regretted that the resolution linked the foreign-debt problem to human rights.

16. His delegation had also voted against the draft resolution on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/1996/L.17/Rev.1), since it believed that the problem should be considered in the more appropriate forums dealing with environmental issues.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SEVENTH SESSION (agenda item 15) (continued) (E/CN.4/1996/L.41)

Draft resolution on contemporary forms of slavery (E/CN.4/1996/L.41)

17. Mr. van WULFFTEN PALTHE (Netherlands), introducing the draft resolution on behalf of its sponsors, said that, after extensive negotiations on paragraph 12, a consensus had finally been reached. The new version of that paragraph would read: "Approves the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1) while taking note of differences between States in the scope of applicability of their criminal legislation with regard to, inter alia, prostitution and the production, distribution and possession of pornographic material".

18. Paragraph 13 should also be revised: the words "in particular the World Health Organization, as well as the International Criminal Police Organization and all relevant non-governmental organizations," should be inserted after the words "relevant United Nations agencies" and the words "prima facie" deleted.

19. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Australia, Madagascar and the Philippines and the observers for Costa Rica and Romania had become sponsors of the draft resolution and that the observer for Latvia had withdrawn his sponsorship.

20. The draft resolution, as orally revised, was adopted without a vote.

21. Mr. ZHANG Jishan (China) said that his delegation believed that prostitution and pornography constituted serious violations of the rights of women and girls. As host country to the Fourth World Conference on Women, China welcomed the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others submitted by the Sub-Commission, which the Commission should approve.

22. While most countries were in favour of an absolute ban on all forms of prostitution and pornography, a few countries, which proclaimed themselves "progressive" and "civilized", still maintained that form of slavery through various legal procedures. Those countries, which preached that all countries should abide by international standards and that differences in national circumstances should not be used to justify non-compliance with international human rights standards, changed their tune when their own domestic legislation was in conflict with international standards. That was a typical double standard.

23. The revised text of paragraph 12 met his delegation's concerns to some extent but it still felt that the Commission should approve the draft programme of action without any reservations.

24. Ms. GHOSE (India), having welcomed the adoption of the resolution without a vote, said that her delegation felt very strongly that legislation not in accordance with internationally accepted standards should be brought into line with those standards. She thanked the sponsors for the flexibility they had shown. It was to be hoped that those countries which did not have legislation to protect women from various kinds of exploitation, including prostitution, would soon adapt their legislation to international standards.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 8) (continued) (E/CN.4/1996/L.64/Rev.1)

Draft resolution on hostage-taking (E/CN.4/1996/L.64/Rev.1)

25. Mr. ROGOV (Russian Federation), introducing the draft resolution, said that hostage-taking was still a matter of international concern and the Commission should reaffirm its opposition to it. The text before the Commission was based on previous resolutions on the subject and was in no way revolutionary. Any changes merely reflected recent trends.

26. As a further refinement, he wished to make a number of changes to the text. First of all, the fourth preambular paragraph should be deleted and the word "also" removed from the fifth preambular paragraph.

27. In the sixth preambular paragraph, the words "in different forms and manifestations" should be inserted after the word "hostage-taking" and the words "inter alia" after the word "including". In the eighth preambular paragraph, the word "growing" should be replaced by the word "continuing". In the ninth preambular paragraph, the words "and facilitated" should be inserted after the word "respected". In the tenth preambular paragraph, the words "in strict conformity with international human rights standards" should be inserted after the words "in order".

28. In paragraph 3, the words "in accordance with relevant provisions of international law and international standards of human rights" should be inserted after the word "measures" and the words "the taking of hostages" should be replaced by the words "acts of hostage-taking". In paragraph 4, the word "Encourages" should be replaced by the words "Invites relevant" and the words "to include" by the words "to bear in mind", the last part of the sentence after the word "deliberations" being deleted. In paragraph 5, the words "all relevant treaty bodies ... within their respective mandates to" should be replaced by the words "all thematic special rapporteurs and working groups to address as appropriate" and the words "including when committed by terrorists and armed groups" should be replaced by the words "in their forthcoming reports to the Commission;". In paragraph 6, the word "fifty-third" should be replaced by the word "fifty-fourth".

29. The draft resolution, as orally revised, was adopted without a vote.

INDIGENOUS ISSUES (agenda item 23) (continued)
(E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chapter I.A., draft resolution II)

Draft resolution on the protection of the heritage of indigenous peoples, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51: chapter I.A., draft resolution II)

30. Mr. ESPINOLA SALGADO (Brazil) proposed that the term "indigenous peoples" be replaced by the term "indigenous people" wherever it occurred.

31. The Brazilian amendment was adopted.

32. Mr. BENITO (Financial Resources Management Service), explaining the administrative and programme budget implications of the draft resolution in accordance with rule 28 of the rules of procedure, said that a provision of approximately US$ 6,000 had been made in the current programme budget to finance the requirements relating to the draft resolution. Consequently, it would not give rise to any additional costs.

33. The draft resolution, as orally amended, was adopted.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1996/L.45 and L.69)

Draft resolution on the regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (E/CN.4/1996/L.45)

34. Mr. LACOUL (Nepal), introducing the draft resolution, said that he wished to make certain revisions to its text. Paragraph 7 should be deleted and the following four additional paragraphs inserted after the existing paragraph 2, with consequential renumbering of the remaining paragraphs.

"3. Reaffirms that all human rights are universal, indivisible and interrelated; the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis; while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. Also reaffirms that regional arrangements play a fundamental role in promoting and protecting human rights; and they should reinforce universal human rights standards, as contained in international human right instruments, and their protection;

5. Takes into account the Bangkok Declaration (1993) wherein it recognized that, while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities, and various historical, cultural and religious backgrounds;

6. Takes note of the conclusions of the fourth workshop, which stated, inter alia, that while the experiences of other regions would continue to be carefully examined, it was clear that any regional arrangements for the Asian and Pacific region would need to be based on the needs, priorities and conditions prevailing in the region;".

35. The fact was that the Asian and Pacific region was engaged in a series of workshops to consider matters relating to the establishment of a regional human rights mechanism. The recent workshop held at Katmandu had been an important step forward in that direction, laying the broad foundations for future developments. One of its conclusions had been that every State had a right to choose the framework best suited to its particular needs.

36. After highlighting the main points of the draft resolution, he expressed the hope that it would be adopted without a vote.

37. Mr. MÖLLER (Secretary of the Commission) announced that the delegation of Japan and the observers for Jordan and Papua New Guinea had become sponsors of the draft resolution.

38. Mr. WU Jianmin (China) said that his delegation, too, wished to become a sponsor.

39. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution on composition of the staff of the Centre for Human Rights (E/CN.4/1996/L.69)

40. Mr. MARCHANTE (Cuba), introducing the draft resolution on behalf of its sponsors, said that it was designed to contribute to the process of restructuring the Centre. Recent studies had indicated that developing countries were underrepresented in the Centre, especially at the higher levels. In consequence, the draft text requested that immediate measures be taken to improve the geographical distribution of the staff and, in particular, that persons from developing countries be appointed to high-level posts. As recommended by the High Commissioner for Human Rights, the Commission on Human Rights should be periodically informed of the progress made during the restructuring process.

41. Questions relating to junior professional officers were also relevant to the restructuring process. It was important to ensure transparency regarding the appointment of such officers.

42. The High Commissioner for Human Rights had stated that the success of the United Nations human rights programme would depend on the political will of the Member States and others involved. In the final analysis, all Member States must assume the political and financial responsibilities incumbent on them.

43. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Algeria, Angola, Bangladesh, Benin, Côte d'Ivoire, Ecuador, El Salavador, Guinea, India, Peru, Philippines, Uganda, Venezuela, and Zimbabwe and the observers for Equatorial Guinea, Ghana, Libyan Arab Jamahiriya and Togo had become sponsors of the draft resolution.

44. Mr. van WULFFTEN PALTHE (Netherlands) said that his delegation had approached the delegation of Cuba on several occasions with a request to discuss the contents of the draft resolution but those requests had been refused. In view of the importance of paragraphs 2, 3 and 4 of the text, he requested postponement of any decision.

45. Mr. FERNANDEZ PALACIOS (Cuba) said that, in response to a request from the Netherlands delegation, his own delegation had agreed a week previously to defer action on the draft resolution. Since that time, no delegation, including that of the Netherlands, had asked to discuss the paragraphs in question. The Commission should take immediate action on the draft resolution.

46. Mr. van WULFFTEN PALTHE (Netherlands) said that he had approached the delegation of Cuba that very morning with a request to discuss the draft text. The assertion by the representative of Cuba that there had been no approaches was not accurate.

47. Mr. FERNANDEZ PALACIOS (Cuba) said that consultations at that juncture would lead nowhere unless the delegations in question were thinking of becoming sponsors of the draft resolution or of adopting it by consensus. The sponsors would find it difficult to revise any of the paragraphs mentioned by the representative of the Netherlands since they constituted the essence of the draft resolution. He requested immediate action on the text.

48. Mr. van WULFFTEN PALTHE (Netherlands), speaking in explanation of vote before the voting said that his delegation would vote against the draft resolution not only because of the refusal to enter into a dialogue, which was not in keeping with the spirit of the Commission, but also and more importantly because of its contents. In calling for a change in the prevailing distribution of posts of the staff of the Centre for Human Rights, a matter falling solely within the competence of the Secretary-General, paragraph 2 of the draft resolution was attempting to reinterpret article 101, paragraph 3, of the United Nations Charter. Moreover, the Commission on Human Rights was not the executive body of the Centre, which was governed by the General Assembly.

49. Documentation provided by the Centre made it clear that the Centre's staff was already recruited on the basis of equitable geographical distribution. Paragraph 3 was, therefore, superfluous.

50. Paragraph 4 should have welcomed the fact that a number of countries had actually provided junior professional officers to the Centre for Human Rights rather than calling on countries to do so. That paragraph was not only superfluous but also contained inaccurate statements.

51. Mr. STEEL (United Kingdom) said it was regrettable that, in contrast to the views it had expressed over the past five weeks, the delegation of Cuba had refused to postpone action on a text in order to allow the Commission to work towards consensus. Such an attitude was unacceptable.

52. As it stood, the draft resolution usurped the prerogatives of the Secretary-General and required the Commission to take decisions going beyond its competence. Furthermore, the text was contrary to the provisions of the Charter. If adopted, it would have the opposite effect to that intended.

53. Mr. BAUM (Germany) said that his delegation would vote against the draft resolution. It endorsed the views of the two previous speakers concerning the procedural and substantive questions relating to the draft text.

54. Mrs. FERRARO (United States of America) said that her delegation would vote against the draft resolution. It was distressing that the delegation of Cuba had refused further consultations, especially when, at Cuba's request, the sponsors of the draft resolution on workers' rights had postponed action on that text more than once.

55. She endorsed the statements by the representatives of the Netherlands and the United Kingdom concerning the substance of the draft resolution.

56. Mr. BARKER (Australia) said that he quite understood the emphasis placed by certain delegations on the principle of equitable geographical distribution in recruiting Secretariat staff. In his view, staff from developing countries would perform just as effectively as staff from other parts of the world.

57. Article 101, paragraph 3, of the Charter set forth clearly the standards for recruitment of Secretariat staff. The draft resolution was not the way to achieve the desired objective. In particular, paragraph 4 could be meaningful only if it was the fruit of consultation and negotiation with other delegations.

58. It was unfortunate that the sponsoring delegation had failed to hold open-ended meetings on the draft text. In view of the Cuban refusal to discuss the issue, his delegation, which had intended to abstain, would vote against the draft resolution.

59. Mr. SPLINTER (Canada) said that he regretted the Cuban refusal to entertain discussion on the draft resolution. His delegation had always done its best to agree to requests for consultations and he hoped Cuba would do the same.

60. The purpose of the draft resolution was to lend the Commission's support to the efforts of the High Commissioner on Human Rights and the Secretary-General to adapt the Centre for Human Rights to the increasing demands placed on it by human rights bodies. As the body giving rise to many of those demands, the Commission on Human Rights could appropriately provide advice on how such demands might best be met. However, that had to be done on the basis of consensus.

61. His delegation endorsed the reservations expressed by a number of speakers about the text as it stood. The assertions made in the draft resolution about the Centre's composition were not supported by the evidence. The text was also based on a disregard for the Charter and vested the Commission with powers which belonged exclusively to the Secretary-General.

62. Mr. BERGUÑO BARNES (Chile) said that, while regretting that it had not been possible to improve the text of the draft resolution he would vote for it since it reflected his delegation's views. He had serious reservations, however, with regard to the right of the High Commissioner to carry out the restructuring of the Centre's staff and work. While the intention of the draft resolution was clearly to complement the High Commissioner's efforts, it would have been preferable to avoid a certain rigidity of expression in the text.

63. Mr. KOEZUKA (Japan) said that his delegation would vote against the draft resolution. The text referred only to paragraph 3 of Article 101 of the Charter and should have mentioned the rest of the Article. Not all developing countries were underrepresented on the staff of the Centre for Human Rights. Moreover, the question of equitable geographic balance was better viewed from the perspective of the entire United Nations rather than of a single organ within it.

64. Mr. MENDOZA (El Salvador) said that the draft resolution dealt with an important matter. Unfortunately, as it stood, the text was imperfect. His delegation, which had hoped that the members of the Commission would arrive at a consensus text, was thus obliged to withdraw its sponsorship of the draft resolution and would abstain from voting on it.

65. Mr. BERNARD (France) said that his delegation wished to associate itself with the statements by the representatives of the Netherlands, the United Kingdom and Germany concerning the form and substance of the draft resolution and would vote against it.

66. Mr. LEHMANN (Denmark) said that the question of strengthening the Centre for Human Rights was covered by another draft resolution that had not yet been dealt with. Paragraphs 2 and 3 of the draft resolution currently before the Commission contained factual errors and his delegation would, in consequence, vote against it.

67. Mr. TORELLA di ROMAGNANO (Italy) said that his delegation endorsed the views expressed by the representatives of the Netherlands and the United Kingdom and would vote against the draft resolution.

68. At the request of the representative of the Netherlands, a vote was taken by roll-call on draft resolution E/CN.4/1996/L.69.

69. Uganda, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Dominican Republic, El Salvador, Malawi, Republic of Korea.

70. Draft resolution E/CN.4/1996/L.69 was adopted by 33 votes to 16, with 4 abstentions.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1996/L.54 and Corr.1)

Draft resolution on the situation of human rights in Togo (E/CN.4/1996/L.54 and Corr.1)

71. Mr. MBA ALLO (Gabon), introducing the draft resolution on behalf of the Group of African States, said that paragraph 4 terminated the Commission's consideration of the question of human rights in Togo. Since Togo deserved to be supported in its efforts to strengthen human rights and consolidate democracy, the sponsors hoped that the draft resolution would be adopted without a vote.

72. Mr. MÖLLER (Secretary of the Commission) announced that the delegation of the Netherlands and the observer for Spain had become sponsors of the draft resolution.

73. The draft resolution was adopted without a vote.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued) (E/CN.4/1996/L.30/Rev.1 and L.78)

Draft resolution on the situation of human rights in Equatorial Guinea (E/CN.4/1996/L.30/Rev.1)

74. Mr. HERVO-AKENDENGUE (Gabon), introducing the draft resolution on behalf of the Group of African States, said that some positive developments had been observed in the human rights situation in Equatorial Guinea and the draft resolution noted them with satisfaction. It was therefore both important and necessary to encourage the Government of Equatorial Guinea to continue its efforts to promote human rights. The sponsors hoped that the draft resolution would be adopted by consensus.

75. Mr. BENITO (Financial Resources Management Service), explaining the administrative and programme budget implications of the draft resolution in accordance with rule 28 of the rules of procedure, said that the resources required for the renewal of the Special Rapporteur's mandate for an additional year (estimated at US$ 54,000) would be provided from within the existing provisions for the biennium 1996-1997. Accordingly, no additional resources would be required.

76. Mr. SUAREZ (Venezuela) said that, although his delegation would not block a consensus on the draft resolution, it would have preferred more vigorous wording to emphasize some of the more negative aspects of the situation in Equatorial Guinea, particularly with regard to the legislative and municipal elections and the presidential elections.

77. The draft resolution was adopted without a vote.

Draft resolution on the human rights situation in southern Lebanon and the Western Bekaa (E/CN.4/1996/L.78)

78. Mr. BEBARS (Egypt), introducing the draft resolution on behalf of the sponsors, said that it drew attention in an objective way to the persistent practices of the Israeli occupation forces in southern Lebanon and the Western Bekaa which constituted a violation of the principles of international law on the protection of human rights as well as a grave violation of the relevant provisions of international humanitarian law. It called upon Israel to put an immediate end to such practices and to implement Security Council resolutions 425 (1978) and 509 (1982). It also requested the Government of Israel, as the occupying power of territories in southern Lebanon and the Western Bekaa, to comply with the Geneva Conventions of 1949.

79. In view of the difficult situation in Lebanon and its dire need for support from the international community, in particular after the ferocious bombing of southern Lebanon, the expulsion of over half a million people from their homes and the horrendous massacre of refugees, the sponsors hoped that the draft resolution would be adopted by consensus.

80. Mr. TORELLA di ROMAGNANO (Italy), speaking in explanation of position on behalf of the European Union, said that the Union was seriously concerned by the aggravation of the situation in Lebanon and northern Israel and renewed its appeal for an immediate cease-fire. Only a political solution could put an end to the current crisis and permit a resumption of the peace process. The Union, which deeply deplored the suffering inflicted on the civilian populations of both Israel and Lebanon, in particular by the tragedy at Cana, called upon all parties, whether directly or indirectly involved in the current conflict, to help bring about an immediate halt to hostilities and acts of violence with the aim of allowing peace negotiations to resume.

81. The Union reaffirmed its support for all the parties involved in peace negotiations and confirmed its willingness to contribute actively to the search in progress for an immediate halt to hostilities and a lasting peace in the region. In that regard, it supported the action undertaken by the Presidency, the Troika and its member States, notably France. It supported all the efforts, notably those of the United States of America, currently being undertaken with the same purpose.

82. The aim of those efforts must be to obtain the elaboration of a lasting agreement between the parties which would not prejudice a global agreement between Israel and Lebanon in the context of the peace process. That agreement must contribute towards guaranteeing Israel's security and preserving Lebanon's sovereignty in accordance with Security Council resolution 425 (1978), to which the Union remained committed.

83. The Union expressed its support for the continuing efforts of UNIFIL, in highly adverse circumstances, to try to alleviate the effects of the current violence and ensure the safety of the civilian population.

84. Lebanon, which had been courageously engaged in reconstruction, must be able to find once again the peace to which, like its neighbours, it had a right. The Union would continue to provide assistance to enable Lebanon to

take its rightful place in peace and prosperity in the Middle East. In that regard, the Union would pursue its support for Lebanon's reconstruction and development, particularly in the field of energy.

85. The Union was ready to increase significantly the substantial humanitarian contribution which it was already making, by means of national contributions, to relieve the suffering of the civilian population and in particular the refugees in southern Lebanon. In that context, it appealed for free and secure circulation on the coastal road south of Beirut with the sole purpose of guaranteeing access for humanitarian assistance to the populations of Saida, Tyre and Nabatiyeh.

86. The Union reaffirmed its commitment to pursue diplomatic efforts in the region and expressed its willingness to participate in proposals aimed at promoting a just, lasting and comprehensive peace.

87. Mr. EL KHAZEN (Observer for Lebanon) said that the second week of Israel's aggression against his country had been particularly bloody. Israeli aircraft had destroyed a three-storey building, killing 18 inhabitants, while the heavy shelling of the UNIFIL centre at Cana, where hundreds of civilians had taken refuge, had resulted in the massacre of over a hundred people and injuries to many others, including three Fijian United Nations peace-keepers. Moreover, the shelling by the Israeli Navy of the coastal road had prevented ambulances from transporting the wounded to hospitals in Beirut, although the hospitals in the south were overwhelmed.

88. The Israelis had deliberately perpetrated that atrocious crime, since they knew the exact location of the UNIFIL centre. The regrets expressed by the Prime Minister of Israel were designed to absorb and deflect some of the world-wide horror and revulsion at that carnage. The attack had been aimed not at Hezbollah but at the people of Lebanon. The purpose of Israel's attacks was twofold: to destroy the revival of Lebanese economic activities and to boost the re-election chances of the Israeli Government. He wondered how those Governments which had participated in the Sharm-el-Sheikh conference on international terrorism viewed Israel's violation of Lebanese airspace to bomb the civilian population and its blockade of Lebanese ports to prevent the delivery of vitally needed humanitarian aid.

89. Israel's belief that its occupation of southern Lebanon provided it with a security or buffer zone was clearly misguided. Its best chances of achieving security resided in implementing Security Council resolution 425 (1978) and withdrawing immediately and unconditionally from all the occupied territories.

90. His Government had always been in favour of a just and durable peace, but peace could not be achieved by carnage and destruction. Whatever the military aggression against it, Lebanon would not cede an inch of its territory.

91. He hoped that the Commission, which was responsible for the protection of human rights, would adopt the draft resolution by consensus.

The meeting rose at 1.05 p.m.